

*******SAMPLE MOTION AND ORDER FOR EXPUNGEMENT OF CONVICTION
OR DIVERSION AND RELATED ARREST RECORDS*******

(This form is to serve as an example only. Photocopies of this form will not be accepted as an original motion and order. Original motions and orders should be typed or printed neatly.)

IN THE MUNICIPAL COURT OF WICHITA, KANSAS

CITY OF WICHITA,)	
)	
Plaintiff,)	
v.)	Docket No. _____
)	
JOHN DOE,)	WPD Case No. _____
)	
)	
Defendant,)	
_____)	

**MOTION AND ORDER FOR EXPUNGEMENT OF
CONVICTION OR DIVERSION AND RELATED ARREST RECORDS**

COMES NOW, _____, Petitioner and moves the Court for an order of expungement, pursuant to Charter Ordinance No. 217, Section 2, of the Code of the City of Wichita. In support of his/her motion, Petitioner would show the court the following:

1. Petitioner's full name at the time of his/her arrest was _____.
Petitioner's current name is _____. Petitioner is a _____[race/sex] whose date of birth is _____. Petitioner's social security number is XXX-XX-_____.
2. Petitioner was arrested on _____ [date] for the crime of _____ [charge] in violation of Section _____ of the Code of the City of Wichita. The docket number for the offense was _____.
3. Petitioner was [convicted of/placed on diversion for] _____ [crime] on _____ [date] in Wichita Municipal Court.
4. Petitioner [satisfied the sentence imposed/fulfilled the terms of the diversion agreement] on _____[date].
5. Petitioner has not been convicted of a felony in the past two (2) years, and there is no proceeding involving any crime which is presently pending or being instituted against the Petitioner.

6. The circumstances and behavior of the Petitioner warrant expungement, and the expungement is consistent with the public welfare. As of the date this Petition for expungement is filed, there are no criminal or traffic charges pending in any court or jurisdiction against the Petitioner.

WHEREFORE, Petitioner requests that the Court enter an order expunging his/her conviction(s) and the related arrest records as set forth above, and grant any and all other further relief the court deems just and equitable.

Petitioner

ORDER FOR EXPUNGEMENT

NOW ON THIS ____ day of _____, _____, this matter comes on for hearing upon the Motion of the Petitioner for an order expunging his/her conviction(s) and related arrest records. The Petitioner appears in person, Pro Se. The City of Wichita appears by and through its attorney, _____. The Court, after having examined the file and hearing the statements of counsel, finds:

1. Petitioner's full name at the time of her arrest was _____.
Petitioner's current name is _____. Petitioner is a _____
[race/sex] whose date of birth is _____. Petitioner's social security
number is XXX-XX-_____.
2. Petitioner was arrested on _____ [date] for the crime of _____ [charge] in
violation of Section _____ of the Code of the City of Wichita. The docket
number for the offense was _____.
3. Petitioner was convicted of _____ [crime] on _____ [date]
in Wichita Municipal Court.
4. Petitioner satisfied the sentence imposed on _____ [date].
5. Petitioner has not been convicted of a felony in the past two (2) years, and
there is no proceeding involving any crime which is presently pending or being
instituted against the Petitioner.
6. The circumstances and behavior of the Petitioner warrant expungement, and
the expungement is consistent with the public welfare. As of the date this
Petition for expungement is filed, there are no criminal or traffic charges
pending in any court or jurisdiction against the Petitioner.
7. That the circumstances and behavior of the Petitioner warrant the
expungement.
8. That the expungement is consistent with the public welfare.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the
defendant's (conviction / diversion) and related arrest records should be and is
hereby expunged and defendant shall be treated as not having been arrested or
(diverted or convicted) except as set out below or otherwise set out by law,
including conviction for any subsequent crime.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that the
defendant shall disclose the arrest and (conviction / diversion) herein
expunged as follows:

1. In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;
2. In any application for admission, or for an order of reinstatement, to the practice of law in this state;
3. To aid in determining the defendant's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
4. To aid in determining the defendant's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;
5. To aid in determining the defendant's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;
6. Upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;
7. To aid in determining the defendant's qualifications to be an employee of the state gaming agency;
8. To aid in determining the defendant's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;
9. In any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;
10. In any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

11. For applications received on and after July 1, 2006, to aid in determining the defendant's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto;

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED that upon entry of this Order of Expungement, the expunged arrest and (conviction / diversion) shall not be disclosed, except when requested by:

1. The person whose record was expunged;
2. a criminal justice agency, private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
3. a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
4. the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the Department of Social and Rehabilitation Services of any person whose record has been expunged;
5. a person entitled to such information pursuant to the terms of the expungement order;
6. a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
7. the Supreme Court, the Clerk or Disciplinary Administrator thereof, the State Board for Admission of Attorneys or the State Board for Discipline of Attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
8. the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

9. the governor or the Kansas Racing and Gaming Commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
10. the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
11. the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;
12. the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.
13. the Kansas sentencing commission;
14. the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;
15. a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or
16. the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following

under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Municipal Court, upon receipt and filing herein, shall send a certified copy of the Order of Expungement to the Kansas Bureau of Investigation which shall notify the Federal Bureau of Investigation, the Secretary of Corrections, and any other criminal justice agency which may have a record of the arrest or (conviction/diversion) described herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon filing of the Order Of Expungement the defendant shall be treated as not having been arrested or (convicted/diverted) of the crimes herein, subject to the provisions and conditions stated herein and stated in K.S.A. 21-4619.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order of Expungement does not affect any previous Court Order dealings with cost, fees, and restitution. All amounts unpaid are still due and owing unless otherwise specified within this Order of Expungement.

JUDGE OF THE WICHITA MUNICIPAL COURT

APPROVED:

Assistant City Attorney

Attorney for Defendant